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Elimination of racism and racial discrimination: elimination of racism and racial discrimination

Morocco:* draft resolution

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001,[1] as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Recalling also its resolution 57/195 of 18 December 2002, by which it outlined the important roles and responsibilities of the various organs of the United Nations, including the Commission on Human Rights as the relevant subsidiary body of the Economic and Social Council,

Recalling further Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Stressing that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[2] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

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* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] A/CONF.157/24 (Part I), chap. III.

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Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination and its conviction that racism and racial discrimination constitute a negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[3]

Stressing the need for maintaining political will and momentum at the national, regional and international levels to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Recognizing that the successful implementation of the Programme of Action requires political will, international cooperation and adequate funding at the national, regional and international levels,

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Alarmed, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

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[3] Resolution 217 A (III).

Welcoming all the positive developments that have taken place within the framework of the Commission on Human Rights, through its intersessional working groups and other mechanisms specifically created for the effective implementation of the Durban Declaration and Programme of Action,

Endorsing the Secretary-General's appointment of members of the eminent persons group[4] to follow up the implementation of the Durban Declaration and Programme of Action,

Welcoming the final nomination to the Working Group of Experts on People of African Descent, which completed the membership of the Working Group,

Welcoming also all the regional initiatives being undertaken to implement the Durban commitments, and in this context expressing its appreciation to the Governments of Mexico, Kenya and the Czech Republic for hosting the regional expert seminars with a view to the implementation of the Durban Declaration and Programme of Action within their respective regions, and encouraging other regions to take the necessary action in this regard,

Expressing its deep alarm at the increasing incidents of racism in various sporting events,

I
Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Affirms* that racism and racial discrimination, and xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing to prevent those crimes from going unpunished and to ensure the rule of law;

[4] Members of the eminent persons group: Martti Oiva Kalevi Ahtisaari (Finland), His Royal Highness Prince El Hassan bin Talal (Jordan), Edna Maria Santos Roland (Brazil), Salim Ahmed Salim (United Republic of Tanzania) and Hanna Suchocka (Poland).

6. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

7. *Condemns* the misuse of print, audio-visual and electronic media and new communications technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

8. *Condemns also* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance;

9. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

10. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination[5] as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

11. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

12. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[3] and article 5 of the Convention;

13. *Notes* that the Committee on the Elimination of Racial Discrimination holds that the prohibition of the dissemination of ideas based on racial superiority or

[5] Resolution 2106 A (XX), annex.

racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

14. *Welcomes* the emphasis placed by the Committee on the Elimination of Racial Discrimination on the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[6]

15. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

16. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

17. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

18. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

19. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Declaration and Programme of Action;

20. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

21. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing

[6] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

22. *Reaffirms* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

23. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to take into account the follow-up to the Conference;

24. *Invites* all human rights treaty-monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the relevant provisions of the Durban Declaration and Programme of Action in the discharge of their respective mandates;

25. *Endorses* the recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,[7] adopted by consensus on 21 March 2003, and calls for the full and effective implementation of those recommendations by all stakeholders;

26. *Encourages* the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to continue its future sessions on the basis of the thematic approach adopted during its last session, focusing on the critical areas affecting the well-being of the victims of racism, and notes with appreciation that to this end the next session of the Working Group will analyse the themes relating to poverty eradication;

27. *Welcomes* the decision by the Government of Chile to continue to chair the future sessions of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also notes with appreciation the renewal of the mandate of the Working Group for an initial period of three years;

28. *Welcomes also* the recommendations of the Working Group of Experts on People of African Descent[8] and takes note of the programme of work for the future sessions of the Working Group, adopted at its session held from 1 to 10 October 2003;

29. *Notes with appreciation* the renewal of the mandate of the Working Group of Experts on People of African Descent for an initial period of three years;

30. *Endorses* the adjustments effected by the Commission on Human Rights to the mandate of the Working Group of Experts on People of African Descent through its resolution 2003/30 of 23 April 2003;

31. *Welcomes* the substantive outcome of the inaugural session of the eminent persons group, held in Geneva from 16 to 18 September 2003, with the

[7] See E/CN.4/2003/20.
[8] See E/CN.4/2003/21.

participation of representatives of Member States, the United Nations system and civil society;

32. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] on 1 July 2003 and invites all States that have not yet done so to consider acceding to that important instrument;

33. *Notes with satisfaction* the progress made during the first and second sessions of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, held in New York from 29 July to 9 August 2002 and 15 to 26 July 2003;

34. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the United Nations High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

35. *Expresses its deep concern* at the poor level of support and the general lack of leadership provided by the Anti-Discrimination Unit to the mechanisms created by the Commission on Human Rights to follow up the implementation of the Durban Declaration and Programme of Action, and calls on the Office of the United Nations High Commissioner for Human Rights to accord priority to the work of the Anti-Discrimination Unit, including its proper and permanent staffing;

IV
Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

36. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action, and calls for its full implementation at the national, regional and international levels;

37. *Decides*, after considering the report of the Secretary-General on the extent of the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,[10] to close the Third Decade;

38. *Decides also*, as part of the activities to combat racism, racial discrimination, xenophobia and related intolerance, to place emphasis on the concrete implementation on the Durban Declaration and Programme of Action as the only basis for a broad-based consensus on the importance of the struggle for non-racialism worldwide;

[9] Resolution 45/158, annex.
[10] A/58/80-E/2003/71.

V

Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

39. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

40. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

41. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

42. *Also requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits, and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

43. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

44. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the newly formed Anti-Discrimination Unit;

45. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

46. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session;

47. *Takes note with appreciation* of the recommendations contained in the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[11] and encourages the continuation of his work;

48. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur, and calls on other relevant stakeholders to implement those recommendations;

[11] See A/58/313.

49. *Calls on* the Special Rapporteur, in the execution of his mandate, to pay special attention to the growing incidents of racism in various sporting events, and in this context to explore the possibility of introducing a racial equality index;

VI
General

50. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-ninth session;

51. *Decides* to remain seized of this important matter under the agenda item entitled "Elimination of racism and racial discrimination" at its fifty-ninth session.